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HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

Coram : Hon'ble Shri H. L. Dattu, C.J. and
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Writ Petition No.2103 of 2001

Petitioner

Gitanjali Construction Through partner S.R. Sahu, aged about 40 years, S/o M.R. Sahu, R/o Ameri Road, Nehru Nagar, Bilaspur, Chhattisgarh.

versus

Respondents

1. State of Chhattisgarh Through Principal Secretary, Local Self Govt. Chhattisgarh, D.K. Bhawan, Raipur.
2. State of Chhattisgarh Through Principal Secretary, Nagar Tatha Gram Nivesh, Department of Chhattisgarh Govt. , D.K. Bhawan, Raipur.
3. Director, Nagar Tatha Gram Nivesh Department D.K. Bhawan, Raipur, Chhattisgarh.
4. Bilaspur, Municipal Corporation, Bilaspur Through Commissioner Bhawan, Bilaspur, Chhattisgarh.
5. Joint Director, Nagar Tatha Gram Nivesh Department Bilaspur, Chhattisgarh.
6. State of Madhya Pradesh, Through Principal Secretary, Local Self Govt. Vallabh Bhawan, Bhopal, M.P.
7. The State of Madhya Pradesh Through Principal Secretary, Nagar Tatha Gram Niwesh, Deptt. Vallabh Bhawan, Bhopal, M.P.
8. Collector, Bilaspur, Chhattisgarh.

Petition under articles 226/227 of the constitution of India for issuance of Writ of Mandamus, Certiorari and Prohibition or any other direction or order in the same nature.

Writ Petition No.2537 of 2001

Petitioner

Gitanjali Construction through partner Smt. Jaishree Sahu, aged about 28 years, wife of Shri R.R. Sahu, resident of Ameri Road, Nehru Nagar, Bilaspur, Chhattisgarh.

versus

Respondents

1. State of Chhattisgarh through Principal Secretary, Local Self Govt. Chhattisgarh, D.K. Bhawan, Raipur.
2. State of Chhattisgarh Through Principal

Secretary, Nagar Tatha Gram Nivesh, Department of Chhattisgarh Govt. , D.K. Bhawan, Raipur.
3. Director, Nagar Tatha Gram Nivesh Departtment D.K. Bhawan, Raipur, Chhattisgarh.
4. Bilaspur, Municipal Corporation, Bilaspur Through Commissioner, Bilaspur, Chhattisgarh.
5. Joint Director, Nagar Tatha Gram Nivesh Department Bilaspur, Chhattisgarh.
6. State of M.P. Through Principal Secretary, Local Self Govt. Vallabh Bhawan, Bhopal, M.P.
7. The State of M.P. Through Principal Secretary, Nagar Tatha Gram Nivesh, Deptt. Vallabh Bhawan, Bhopal, M.P.
8. Collector, Bilaspur, Chhattisgarh.

Petition under articles 226/227 of the constitution of India for issuance of Writ of Mandamus, and Prohibition or any other direction or order in the same nature.

Writ Petition No.2582 of 2001

Petitioner Geetanjali Construction Through partner S.R. Sahu, aged about 40 years, son of M.R. Sahu, resident of Ameri Road, Nehru Nagar, Bilaspur, Chhattisgarh.

versus

Respondents

1. State of Chhattisgarh Through Principal Secretary, Local Self Govt. Chhattisgarh, D.K. Bhawan, Raipur
2. State of Chhattisgarh Through Principal Secretary, Nagar Tatha Gram Nivesh, Department of Chhattisgarh Govt. , D.K. Bhawan, Raipur.
3. Director, Nagar Tatha Gram Nivesh Departtment D.K. Bhawan, Raipur, Chhattisgarh.
4. Bilaspur, Municipal Corporation, Through Commissioner, Bilaspur, Chhattisgarh.
5. Joint Director, Nagar Tatha Gram Nivesh Department Bilaspur, Chhattisgarh.
6. State of M.P. Through Principal Secretary, Local Self Govt. Vallabh Bhawan, Bhopal, M.P.
7. The State of M.P. Through Principal Secretary, Nagar Tatha Gram Nivesh, Deptt. Vallabh Bhawan, Bhopal, M.P.
8. Collector, Bilaspur, Chhattisgarh.

Petition under articles 226/227 of the constitution of India for issuance of Writ of Mandamus, and Prohibition or any other direction or order in the same nature.

Writ Petition No.2172 of 2001

Petitioner

Gitanjali Construction Through partner P.R. Sahu, aged about 38 years, son of M.R. Sahu, resident of Ameri Road, Nehru Nagar, Bilaspur, Chhattisgarh.

versus

Respondents

1. State of Chhattisgarh Through Principal Secretary, Local Self Govt. Chhattisgarh, D.K. Bhawan, Raipur
2. State of Chhattisgarh Through Principal Secretary, Nagar Tatha Gram Nivesh of Chhattisgarh Government, D.K. Bhawan, Raipur.
3. Director, Nagar Tatha Gram Nivesh Departtment D.K. Bhawan, Raipur, Chhattisgarh
4. Bilaspur, Municipal Corporation, Bilaspur through Commissioner, Bhawan Bilaspur, Chhattisgarh.
5. Joint Director, Nagar Tatha Gram Nivesh Department Bilaspur, Chhattisgarh.
6. State of Madhya Pradesh,Through Principal Secretary, Local Self Govt. Vallabh Bhawan, Bhopal, M.P.
7. State of Madhya Pradesh,Through Principal Secretary, Nagar Tatha Gram Niwesh, Deptt. Vallabh Bhawan, Bhopal, M.P.
8. Collector, Bilaspur, Chhattisgarh.

Petition under articles 226/227 of the constitution of India for issuance of Writ of Mandamus, Certiorari and Prohibition or any other direction or order in the same nature.

Writ Petition No.1282 of 2002

Petitioner

Geetanjali Construction Through partner S.R. Sahu, aged about 40 years, son of M.R. Sahu, resident of Ameri Road, Nehru Nagar, Bilaspur, Chhattisgarh.

versus

Respondents

1. State of Chhattisgarh Through Principal Secretary, Local Self Govt. Chhattisgarh, D.K. Bhawan, Raipur
2. State of Chhattisgarh Through Principal Secretary, Nagar Tatha Gram Nivesh of Chhattisgarh Government, D.K. Bhawan, Raipur.
3. Director, Nagar Tatha Gram Nivesh

Departtment D.K. Bhawan, Raipur, Chhattisgarh
4. Municipal Corporation, Bilaspur through Commissioner, Municipal Corporation, Bilaspur, CG.
5. Joint Director, Nagar Tatha Gram Nivesh Department Bilaspur, Chhattisgarh.
6. Collector, Bilaspur, Chhattisgarh.

Writ petition under articles 226/227 of the constitution of India for issuance of Writ of Mandamus, Certiorari and Prohibition and or Quo-Warranto and other writ or direction in the same nature.

Writ Petition No.17 of 2002

Petitioner

Geetanjali Construction Through partner S.R. Sahu, aged about 40 years, son of M.R. Sahu, r/o Ameri Road, Nehru Nagar, Bilaspur, Chhattisgarh.

versus

Respondents

1. State of Chhattisgarh Through Principal Secretary, Local Self Govt. Chhattisgarh, D.K. Bhawan, Raipur
2. State of Chhattisgarh Through Principal Secretary, Nagar Tatha Gram Nivesh Deptt. of Chhattisgarh Govt. D.K. Bhawan, Raipur.
3. Director, Nagar Tatha Gram Nivesh Deptt. D.K. Bhawan, Raipur, Chhattisgarh
4. Municipal Corporation, Bilaspur Through Commissioner, Municipal Corporation, Bilaspur, Chhattisgarh.
5. Joint Director, Nagar Tatha Gram Nivesh Deptt. Bilaspur, Chhattisgarh.
6. State of Madhya Pradesh Through Principal Secretary, Local Self Govt. Vallabh Bhawan, Bhopal, M.P.
7. State of Madhya Pradesh, Through Principal Secretary, Nagar Tatha Gram Nivesh, Vallabh Bhawan, Bhopal, M.P.
8. Collector, Bilaspur,Chhattisgarh.

Writ Petition under articles 226/227 of the constitution of India for issuance of writ of mandamus, certiorari and prohibition or any other direction or order in the same nature.

Writ Petition No.18 of 2002

Petitioner

Geetanjali Construction Through partner S.R. Sahu, aged about 40 years, son of M.R. Sahu, r/o Ameri Road, Nehru Nagar, Bilaspur, Chhattisgarh.

versus

Respondents

1. State of Chhattisgarh Through Principal Secretary, Local Self Govt. Chhattisgarh, D.K. Bhawan, Raipur
2. State of Chhattisgarh Through Principal Secretary, Nagar Tatha Gram Nivesh Deptt. of Chhattisgarh Govt. D.K. Bhawan, Raipur.
3. Director, Nagar Tatha Gram Nivesh Deptt. D.K. Bhawan, Raipur, Chhattisgarh
4. Municipal Corporation, Bilaspur Through Commissioner, Municipal Corporation, Bilaspur, Chhattisgarh.
5. Joint Director, Nagar Tatha Gram Nivesh Deptt. Bilaspur, Chhattisgarh.
6. State of Madhya Pradesh Through Principal Secretary, Local Self Govt. Vallabh Bhawan, Bhopal, M.P.
7. State of Madhya Pradesh, Through Principal Secretary, Nagar Tatha Gram Nivesh, Vallabh Bhawan, Bhopal, M.P.
8. Collector, Bilaspur,Chhattisgarh.

Writ petition under articles 226/227 of the constitution of India for issuance of Writ of Mandamus, Certiorari and Prohibition or any other direction or order in the same nature.

Present :
Shri K. L. Pandey, Counsel for the petitioner.
Shri Prashant Mishra, learned Addl. Advocate General with Shri Ashutosh Singh Kachhwaha, Govt. Advocate for the State

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ORAL ORDER

(Passed on 30th April, 2007)

The following oral order of the Court was passed by **H.L.Dattu, C.J.**

Since a common question of fact and law is involved in the aforesaid writ petitions, they are clubbed together, heard and disposed of by this common order.

2. In these writ petitions, a private entrepreneur is calling in question the *vires* of Chhattisgarh Nagar Palika (Registration of Colonizer, Terms and Conditions) Rules, 1998.

3. This Court, while entertaining these writ petitions, had not granted any interim order in favour of the petitioner.

4. During the pendency of these writ petitions, the respondents had amended the aforesaid Rules of 1998 and now they have come out with fresh rules called as Chhattisgarh Nagar Palika (Registration of Colonizer, Terms and Conditions) (Amendment) Rules, 2004.

5. In view of the above, in our opinion, as on today, the relief sought for by the petitioner in these writ petitions would not survive for our consideration and decision. Accordingly, these petitions are disposed of as having become unnecessary. However, liberty is reserved to the petitioner, if it so desires, to question the validity or otherwise of the amended Rules of 2004. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge